

BOARD OF REGISTERED NURSING
DEPARTMENT OF CONSUMER AFFAIRS
STATE OF CALIFORNIA

In the Matter of the Accusation Against:

SHARON ANNE WHITTEMORE a.k.a.,
SHARON A. WHITTEMORE

Registered Nurse License No. 545168
Nurse Practitioner Certificate No. 11332
Nurse Practitioner Furnishing Certificate
No. 11332

Respondent.

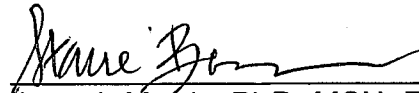
Case No. 2019-26

DECISION AND ORDER

Pursuant to Title 16 of the California Code of Regulations, section 1403, the attached Stipulated Settlement is hereby adopted by the Board of Registered Nursing as its Decision and Order in the above-entitled matter.

This Decision shall become effective on August 3, 2018.

IT IS SO ORDERED this 3rd day of August, 2018.


for Joseph Morris, PhD, MSN, RN
Executive Officer
Board of Registered Nursing
Department of Consumer Affairs
State of California

1 XAVIER BECERRA
Attorney General of California
2 CHAR SACHSON
Supervising Deputy Attorney General
3 JUDITH J. LOACH
Deputy Attorney General
4 State Bar No. 162030
455 Golden Gate Avenue, Suite 11000
5 San Francisco, CA 94102-7004
Telephone: (415) 510-3483
6 Facsimile: (415) 703-5480
E-mail: Judith.Loach@doj.ca.gov
7 *Attorneys for Complainant*

8 **BEFORE THE**
9 **BOARD OF REGISTERED NURSING**
10 **DEPARTMENT OF CONSUMER AFFAIRS**
11 **STATE OF CALIFORNIA**

12 In the Matter of the Accusation Against:

Case No. 2019-26

13 **SHARON ANNE WHITTEMORE**
14 **AKA SHARON A. WHITTEMORE**
15 **160 Daley Court**
16 **San Bruno, CA 94066**

**STIPULATED SURRENDER OF
LICENSE AND ORDER**

17 **Registered Nurse License No. 545168**
18 **Nurse Practitioner Certificate No. 11332**
19 **Nurse Practitioner Furnishing Certificate**
20 **No. 11332**

21 Respondent.

22 IT IS HEREBY STIPULATED AND AGREED by and between the parties to the above-
23 entitled proceedings that the following matters are true:

24 **PARTIES**

25 1. Joseph L. Morris, PhD, MSN, RN (Complainant) is the Executive Officer of the
26 Board of Registered Nursing (Board). He brought this action solely in his official capacity and is
27 represented in this matter by Xavier Becerra, Attorney General of the State of California, by
28 Judith J. Loach, Deputy Attorney General.

2. Sharon Anne Whittemore, aka Sharon A. Whittemore (Respondent) is represented in
this proceeding by attorney Kathleen A. McCormac, whose address is 2858 Diamond Street, San
Francisco, CA 94131-3055.

1 3. On or about July 10, 1998, the Board issued Registered Nurse License No. 545168 to
2 Respondent. The Registered Nurse License was in full force and effect at all times relevant to the
3 charges brought in Accusation No. 2019-26 and will expire on October 31, 2019, unless renewed.

4 4. On or about January 13, 2000, the Board issued Nurse Practitioner Certificate No.
5 11332 to Respondent. The Nurse Practitioner Certificate was in full force and effect at all times
6 relevant to the charges brought in Accusation No. 2019-26 and will expire on October 31, 2019,
7 unless renewed.

8 5. On or about March 12, 2001, the Board issued Nurse Practitioner Furnishing
9 Certificate No. 11332 to Respondent. The Nurse Practitioner Furnishing Certificate was in full
10 force and effect at all times relevant to the charges brought in Accusation No. 2019-26 and will
11 expire on October 31, 2019, unless renewed.

12 **JURISDICTION**

13 6. Accusation No. 2019-26 was filed before the (Board), and is currently pending
14 against Respondent. The Accusation and all other statutorily required documents were properly
15 served on Respondent on July 10, 2018. Respondent timely filed her Notice of Defense
16 contesting the Accusation. A copy of Accusation No. 2019-26 is attached as Exhibit A and
17 incorporated by reference.

18 **ADVISEMENT AND WAIVERS**

19 7. Respondent has carefully read, fully discussed with counsel, and understands the
20 charges and allegations in Accusation No. 2019-26. Respondent also has carefully read, fully
21 discussed with counsel, and understands the effects of this Stipulated Surrender of License and
22 Order.

23 8. Respondent is fully aware of her legal rights in this matter, including the right to a
24 hearing on the charges and allegations in the Accusation; the right to confront and cross-examine
25 the witnesses against her; the right to present evidence and to testify on her own behalf; the right
26 to the issuance of subpoenas to compel the attendance of witnesses and the production of
27 documents; the right to reconsideration and court review of an adverse decision; and all other
28 rights accorded by the California Administrative Procedure Act and other applicable laws.

9. Respondent voluntarily, knowingly, and intelligently waives and gives up each and every right set forth above.

CULPABILITY

10. Respondent admits the truth of each and every charge and allegation in Accusation No. 2019-26, agrees that cause exists for discipline and hereby surrenders her Registered Nurse License No. 545168 for the Board's formal acceptance.

11. Respondent admits the truth of each and every charge and allegation in Accusation No. 2019-26, agrees that cause exists for discipline and hereby surrenders her Nurse Practitioner Certificate No. 11332 for the Board's formal acceptance.

12. Respondent admits the truth of each and every charge and allegation in Accusation No. 2019-26, agrees that cause exists for discipline and hereby surrenders her Nurse Practitioner Furnishing Certificate No. 11332 for the Board's formal acceptance.

13. Respondent understands that by signing this stipulation she enables the Board to issue an order accepting the surrender of her Registered Nurse License, Nurse Practitioner Certificate and Nurse Practitioner Furnishing Certificate without further process.

CONTINGENCY

14. This stipulation shall be subject to approval by the Board. Respondent understands and agrees that counsel for Complainant and the staff of the Board may communicate directly with the Board regarding this stipulation and surrender, without notice to or participation by Respondent or her counsel. By signing the stipulation, Respondent understands and agrees that she may not withdraw her agreement or seek to rescind the stipulation prior to the time the Board considers and acts upon it. If the Board fails to adopt this stipulation as its Decision and Order, the Stipulated Surrender and Disciplinary Order shall be of no force or effect, except for this paragraph, it shall be inadmissible in any legal action between the parties, and the Board shall not be disqualified from further action by having considered this matter.

15. The parties understand and agree that Portable Document Format (PDF) and facsimile copies of this Stipulated Surrender of License and Order, including Portable Document Format (PDF) and facsimile signatures thereto, shall have the same force and effect as the originals.

16. This Stipulated Surrender of License and Order is intended by the parties to be an integrated writing representing the complete, final, and exclusive embodiment of their agreement. It supersedes any and all prior or contemporaneous agreements, understandings, discussions, negotiations, and commitments (written or oral). This Stipulated Surrender of License and Order may not be altered, amended, modified, supplemented, or otherwise changed except by a writing executed by an authorized representative of each of the parties.

17. In consideration of the foregoing admissions and stipulations, the parties agree that the Board may, without further notice or formal proceeding, issue and enter the following Order:

ORDER

IT IS HEREBY ORDERED that Registered Nurse License No. 545168, Nurse Practitioner Certificate No. 11332, and Nurse Practitioner Furnishing Certificate No. 11332 issued to Respondent Sharon Anne Whittemore, aka Sharon A. Whittemore are surrendered and accepted by the Board of Registered Nursing.

1. The surrender of Respondent's Registered Nurse License, Nurse Practitioner Certificate, and Nurse Practitioner Furnishing Certificate and the acceptance of the surrendered licenses and certificate by the Board shall constitute the imposition of discipline against Respondent. This stipulation constitutes a record of the discipline and shall become a part of Respondent's license history with the Board of Registered Nursing.

2. Respondent shall lose all rights and privileges as a Registered Nurse, Nurse Practitioner and Nurse Practitioner Furnishing Certificate in California as of the effective date of the Board's Decision and Order.

3. If Respondent ever files an application for licensure or a petition for reinstatement in the State of California, the Board shall treat it as a petition for reinstatement. Respondent must comply with all the laws, regulations and procedures for reinstatement of a revoked or surrendered license in effect at the time the petition is filed, and all of the charges and allegations contained in Accusation No. 2019-26 shall be deemed to be true, correct and admitted by Respondent when the Board determines whether to grant or deny the petition.

///

1 4. If and when Respondent's license is reinstated, she shall pay to the Board costs
2 associated with its investigation and enforcement pursuant to Business and Professions Code
3 section 125.3 in the amount of \$ 6,837.00 Respondent shall be permitted to pay these costs in a
4 payment plan approved by the Board. Nothing in this provision shall be construed to prohibit the
5 Board from reducing the amount of cost recovery upon reinstatement of the license.

6 5. IF Respondent should ever apply or reapply for a new license or certification, or
7 petition for reinstatement of a license, by any other health care licensing agency in the State of
8 California, all of the charges and allegations contained in Accusation, No. 2019-26 shall be
9 deemed to be true, correct, and admitted by Respondent for the purpose of any Statement of
10 Issues or any other proceeding seeking to deny or restrict licensure

11 6. Respondent shall not apply for licensure or petition for reinstatement for two (2)
12 years from the effective date of the Board's Decision and Order.

13 ACCEPTANCE

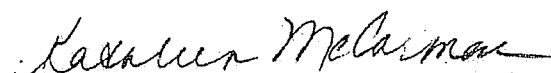
14 I have carefully read the above Stipulated Surrender of License and Order and have fully
15 discussed it with my attorney, Kathleen A. McCormac. I understand the stipulation and the effect
16 it will have on my Registered Nurse License, Nurse Practitioner Certificate and Nurse
17 Practitioner Furnishing Certificate. I enter into this Stipulated Surrender of License and Order
18 voluntarily, knowingly, and intelligently, and agree to be bound by the Decision and Order of the
19 Board of Registered Nursing.

20
21 DATED: 7/23/18


SHARON ANNE WHITTEMORE
Respondent

23 I have read and fully discussed with Respondent Sharon Anne Whittemore the terms and
24 conditions and other matters contained in this Stipulated Surrender of License and Order. I
25 approve its form and content.

26 DATED: 7/23/18


KATHLEEN A. MCCORMAC
Attorney for Respondent

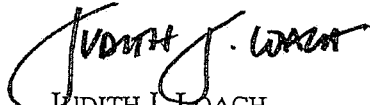
ENDORSEMENT

The foregoing Stipulated Surrender of License and Order is hereby respectfully submitted
for consideration by the Board of Registered Nursing of the Department of Consumer Affairs.

Dated: *July 24, 2018*

Respectfully submitted,

XAVIER BECERRA
Attorney General of California
CHAR SACHSON
Supervising Deputy Attorney General


JUDITH J. LOACH
Deputy Attorney General
Attorneys for Complainant

SF2018200720

Exhibit A

Accusation No. 2019-26

1 XAVIER BECERRA
Attorney General of California
2 CHAR SACHSON
Supervising Deputy Attorney General
3 JUDITH LOACH
Deputy Attorney General
4 State Bar No. 162030
455 Golden Gate Avenue, Suite 11000
5 San Francisco, CA 94102-7004
Telephone: (415) 510-3483
6 Facsimile: (415) 703-5480
E-mail: Judith.Loach@doj.ca.gov
7 *Attorneys for Complainant*

8 **BEFORE THE**
9 **BOARD OF REGISTERED NURSING**
10 **DEPARTMENT OF CONSUMER AFFAIRS**
STATE OF CALIFORNIA

11 In the Matter of the Accusation Against:

Case No.

2019-26

12 **SHARON ANNE WHITTEMORE**
13 **AKA SHARON A. WHITTEMORE**
14 **160 Daley Court**
San Bruno, CA 94066

ACCUSATION

15 **Registered Nurse License No. 545168**
16 **Nurse Practitioner Certificate No. 11332**
Nurse Practitioner Furnishing Certificate
No. 11332

17 Respondent.

18
19 Complainant alleges:

20 **PARTIES**

21 1. Joseph L. Morris, PhD, MSN, RN (Complainant) brings this Accusation solely in his
22 official capacity as the Executive Officer of the Board of Registered Nursing, Department of
23 Consumer Affairs.

24 2. On or about July 10, 1998, the Board of Registered Nursing issued Registered Nurse
25 License Number 545168 to Sharon Anne Whittemore, aka Sharon A. Whittemore (Respondent).
26 The Registered Nurse License was in full force and effect at all times relevant to the charges
27 brought herein and will expire on October 31, 2019, unless renewed.

28 ///

3. On or about January 13, 2000, the Board of Registered Nursing issued Nurse Practitioner Certificate Number 11332 to Respondent. The Nurse Practitioner Certificate was in full force and effect at all times relevant to the charges brought herein and will expire on October 31, 2019, unless renewed.

4. On or about March 12, 2001, the Board of Registered Nursing issued Nurse Practitioner Furnishing Certificate Number 11332 to Respondent. The Nurse Practitioner Furnishing Certificate was in full force and effect at all times relevant to the charges brought herein and will expire on October 31, 2019, unless renewed.

JURISDICTION

5. This Accusation is brought before the Board of Registered Nursing (Board), Department of Consumer Affairs, under the authority of the following laws. All section references are to the Business and Professions Code unless otherwise indicated.

6. Section 2750 of the Business and Professions Code (Code) provides, in pertinent part, that the Board may discipline any licensee, including a licensee holding a temporary or an inactive license, for any reason provided in Article 3 (commencing with section 2750) of the Nursing Practice Act.

7. Section 2764 of the Code provides, in pertinent part, that the expiration of a license shall not deprive the Board of jurisdiction to proceed with a disciplinary proceeding against the licensee or to render a decision imposing discipline on the license.

STATUTES AND REGULATORY PROVISIONS

8. Section 2761 of the Code states:

"The board may take disciplinary action against a certified or licensed nurse or deny an application for a certificate or license for any of the following:

"(a) Unprofessional conduct, which includes, but is not limited to, the following:

"(1) Incompetence, or gross negligence in carrying out usual certified or licensed nursing functions.

• • • 99

9. California Code of Regulations, title 16, section 1442, states:

1 "As used in Section 2761 of the code, 'gross negligence' includes an extreme departure from
2 the standard of care which, under similar circumstances, would have ordinarily been exercised by
3 a competent registered nurse. Such an extreme departure means the repeated failure to provide
4 nursing care as required or failure to provide care or to exercise ordinary precaution in a single
5 situation which the nurse knew, or should have known, could have jeopardized the client's health
6 or life."

7 10. California Code of Regulations, title 16, section 1443, states:

8 "As used in Section 2761 of the code, 'incompetence' means the lack of possession of or the
9 failure to exercise that degree of learning, skill, care and experience ordinarily possessed and
10 exercised by a competent registered nurse as described in Section 1443.5."

11 11. California Code of Regulations, title 16, section 1443.5 states:

12 "A registered nurse shall be considered to be competent when he/she consistently
13 demonstrates the ability to transfer scientific knowledge from social, biological and physical
14 sciences in applying the nursing process, as follows:

15 "(1) Formulates a nursing diagnosis through observation of the client's physical condition
16 and behavior, and through interpretation of information obtained from the client and others,
17 including the health team.

18 "(2) Formulates a care plan, in collaboration with the client, which ensures that direct and
19 indirect nursing care services provide for the client's safety, comfort, hygiene, and protection, and
20 for disease prevention and restorative measures.

21 "(3) Performs skills essential to the kind of nursing action to be taken, explains the health
22 treatment to the client and family and teaches the client and family how to care for the client's
23 health needs.

24 ...

25 "(5) Evaluates the effectiveness of the care plan through observation of the client's physical
26 condition and behavior, signs and symptoms of illness, and reactions to treatment and through
27 communication with the client and health team members, and modifies the plan as needed.

28 ///

1 "(6) Acts as the client's advocate, as circumstances require, by initiating action to improve
2 health care or to change decisions or activities which are against the interests or wishes of the
3 client, and by giving the client the opportunity to make informed decisions about health care
4 before it is provided."

5 **COST RECOVERY**

6 12. Section 125.3 of the Code provides, in pertinent part, that the Board may request the
7 administrative law judge to direct a licentiate found to have committed a violation or violations of
8 the licensing act to pay a sum not to exceed the reasonable costs of the investigation and
9 enforcement of the case, with failure of the licentiate to comply subjecting the license to not being
10 renewed or reinstated. If a case settles, recovery of investigation and enforcement costs may be
11 included in a stipulated settlement.

12 **DRUGS**

13 13. Clonazepam, known by the brand name Klonopin, is a benzodiazepine prescribed for
14 the treatment of anxiety. Associated side-effects include respiratory depression when used with
15 narcotics and/or alcohol. It is a Schedule IV controlled substance pursuant to Health and Safety
16 Code section 11057(d)(7) and a dangerous drug pursuant to Code section 4022.

17 14. Oxycodone is an opioid prescribed for the treatment of moderate to severe pain. In
18 combination with Acetaminophen it is known by the brand name Percocet. Associated side-
19 effects include respiratory depression and hypotension. It is a Schedule II controlled substance
20 pursuant to Health and Safety Code section 11055(b)(1)(M) and a dangerous drug pursuant to
21 Code section 4022.

22 **STATEMENT OF FACTS**

23 15. In 2012, Respondent was employed as a Nurse Practitioner in the Spine Clinic at the
24 University of California Medical Center (UCSF) in San Francisco.

25 16. On or about May 8, 2012, Patient KP (KP), a 50-year-old male was admitted to UCSF
26 for spinal fusion surgery. He was discharged home on May 11, 2012 with a follow up
27 appointment scheduled for June 18, 2012. ///
28

1 17. On discharge, KP was given a prescription for 200 tablets of Percocet 10/325, with
2 directions to take 1 to 2 tablets every 4 to 6 hours as needed for pain. No refills of this
3 medication were ordered. He was also given a prescription for Klonopin 2 milligrams, with
4 directions to take 1 tablet every 6 hours as needed for anxiety. The prescriptions were filled on
5 May 11, 2012.

6 18. On or about June 13, 2012, KP called UCSF and spoke to Respondent. She wrote KP
7 a prescription for 360 tablets of Percocet, with the order to take 1 to 2 tablets every 4 to 6 hours as
8 needed for pain. This prescription was filled on June 16, 2012, two (2) days prior KP's follow up
9 appointment at UCSF.

10 19. On June 17, 2012, Respondent was found dead in his home. A toxicology report
11 showed that he had overdose levels of Oxycodone and other drugs in his blood.¹

12 **FIRST CAUSE FOR DISCIPLINE**

13 **(Gross Negligence/Incompetence)**

14 20. Respondent is subject to discipline for gross negligence and/or incompetence
15 pursuant to Code section 2761, subdivision (a)(1), in that she prescribed an excessive amount of
16 Oxycodone to KP on June 13, 2012. The facts in support of this cause for discipline are set forth
17 above in paragraphs 15 through 19.

18 **SECOND CAUSE FOR DISCIPLINE**

19 **(Unprofessional Conduct)**

20 20. Respondent is subject to discipline for unprofessional conduct pursuant to Code
21 section 2761, subdivision (a), in that she prescribed an excessive amount of Oxycodone to KP on
22 June 13, 2012. The facts in support of this cause for discipline are set forth above in paragraphs
23 15 through 19.

24 ///

25 ///

26
27 ¹ According to the Fresno County Coroner's Office Toxicology Report, KP had an
28 Oxycodone concentration of 614 ng/ml. The concentration of Oxycodone in overdose deaths was
noted to be 400-700 ng/ml.

PRAYER

WHEREFORE, Complainant requests that a hearing be held on the matters herein alleged, and that following the hearing, the Board of Registered Nursing issue a decision:

1. Revoking or suspending Registered Nurse License Number 545168, issued to Sharon Anne Whittemore, aka Sharon A. Whittemore;


2. Revoking or suspending Nurse Practitioner Certificate Number 11332, issued to Sharon Anne Whittemore, aka Sharon A. Whittemore;

3. Revoking or suspending Nurse Practitioner Furnishing Certificate Number 11332, issued to Sharon Anne Whittemore, aka Sharon A. Whittemore;

4. Ordering Sharon Anne Whittemore, aka Sharon A. Whittemore to pay the Board of Registered Nursing the reasonable costs of the investigation and enforcement of this case, pursuant to Business and Professions Code section 125.3; and,

5. Taking such other and further action as deemed necessary and proper.

DATED: July 10, 2018

for 
JOSEPH L. MORRIS, PHD, MSN, RN
Executive Officer
Board of Registered Nursing
Department of Consumer Affairs
State of California
Complainant

SF2018200720